

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GERALD RUHNOW and CONNIE *

RUHNOW, *

Plaintiffs, *

*

VS. * NO. 2:05 CV 527-F

*

LANE HEARD TRUCKING, LLC., *

et al *

Defendants. *

ORAL DEPOSITION OF MICHAEL ADKINS,

a witness produced pursuant to the Federal Rules of
Civil Procedure, in the above-styled and numbered
cause on the 19th day of April, 2006, before Sheila
Hanson, CSR, a Notary Public in and for the State of
Alabama, at the law offices of Mr. Cliff Hastings
with Cervera, Ralph & Reeves, Attorneys at Law, Troy,
Alabama.

EXHIBIT

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* * * * *

ORIGINAL

1 A Ten feet, twelve feet.

2 Q Not too far?

3 A No, sir.

4 Q What happened after she said: Sorry. I
5 didn't see you? Did you start to walk back towards
6 your motorcycle?

7 A I walked back towards her car, limping,
8 and I bent over to catch my breath because my neck
9 was hurting. I looked up stepped -- it's like
10 pavement there. It's not -- I guess, it's the
11 turning lane. As I stepped up on the pavement, the
12 truck wind blew me and run over my motorcycle.

13 Q Did you see the truck at all - --

14 A Not until it hit my motorcycle.

15 Q -- before you felt the truck wind?

16 A No, sir, not until it hit my
17 motorcycle.

18 Q How far away from the motorcycle were you
19 at impact? Impact of the truck and the motorcycle?

20 A Eight feet.

21 Q You were right there?

22 A I was about to step out there.

23 Q How far out of the right-hand, southbound
24 lane, were you?

25 A I was in the turn lane, probably three

1 foot from the dirt to the asphalt of the turning lane
2 part.

3 Q So, how far is that from your
4 motorcycle?

5 A Ten feet -- eight to ten feet. It was
6 sitting in the right lane, but on the line towards
7 the left lane, like, more or less in between both
8 lanes.

9 Q It was perpendicular, as we said earlier,
10 laying on its side?

11 A It was on its side.

12 Q With the tires back towards Troy?

13 A No, sir. The headlight were pointing
14 southbound.

15 Q So, now, the headlight pointed
16 southbound?

17 A Right.

18 Q So it's not on its side pointed towards
19 the center of the highway and the edge of the
20 highway. It's headed towards Dothan?

21 A Right. I could see my wheels and
22 taillights to the left of me.

23 Q Was the taillight on?

24 A Yes, sir.

25 Q It was?

1 What was the weather at the time this took place?

2 A Clear. Roads were clear.

3 Q It was not misting at this time?

4 A Right.

5 Q But the roads were still wet?

6 A It had misted in Troy. I had my rain
7 suit on.

8 Q When you topped the hill, Ms. Champion
9 was already in the center turn lane with her blinker
10 on?

11 A Right. She was stopped still.

12 Q Both your headlight and taillight were
13 still on, after the impact and while your motorcycle
14 was lying in the road?

15 A Yes, sir.

16 Q Your taillight was headed north,
17 essentially, due north?

18 A Yes, sir.

19 Q You know that Ms. Champion's headlights
20 were still on. And you just don't recall if her
21 taillights were still on as her car was parked in the
22 turn lane --

23 A Yes, sir.

24 Q -- after the impact?

25 A Yes, sir.

1 Q But her taillights had been on earlier?

2 A Yes, sir.

3 Q Have you had any conversation's with
4 Ms. Champion since the day of this wreck?

5 A No, sir.

6 Q Other than perhaps your lawyer, have you
7 given -- and the police officer, have you given a
8 statement to anyone about how this wreck happened?

9 A Yes.

10 Q Who?

11 A You.

12 Q It was not me.

13 A Somebody from your firm. And
14 Ms. Champion's insurance people called me at home and
15 got a statement over-the-phone.

16 Q Do you remember somebody from
17 Mr. Ruhnow's lawyer's office talking to you?

18 A They may have.

19 Q That would be me.

20 A Okay. I talked to, I guess, you then,
21 and I think Mr. Duke's -- some lawyer called me or
22 talked to me and Ms. Champion's and then Mr. Hasting.

23 Q Have you discussed this with Mr. Perkins
24 since the night of the wreck?

25 A Not the accident. Just gave him

1 vehicles came to rest. Where your bike was and where
2 her car was?

3 A When we stopped?

4 Q Yeah. When he got -- after you had
5 gotten done sliding across the payment. You got up.
6 Where was your bike. And for your bike, do a little
7 arrow showing which way the bike is facing. So the
8 arrow is pointing southbound. It's basically facing
9 straight on. And it was laying down? --

10 A On the left side.

11 Q -- on the left side?

12 A I could see my tires.

13 Q You could see your tires?

14 A Yes.

15 Q Does this bike have a -- did it have a
16 windshield?

17 A Yes, sir.

18 Q How high is that windshield?

19 A About chest high.

20 Q You said a minute ago you had a side-bag
21 on there?

22 A A side-bag and a saddle bag on the back,
23 sissy bar.

24 Q What color was your bike?

25 A Maroon and black.